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OFFICE OF PETITIONS

In re Patent No. 6,800,140 : DECISION ON REQUEST
Samuel Hansen : FOR RECONSIDERATION OF
Issue Date: October 5, 2004 : PATENT TERM ADJUSTMENT
Application No. 10/044,890 : and
Filed: January 11, 2002 : NOTICE OF INTENT TO ISSUE
Attorney Docket No. 71189-1393: CERTIFICATE OF CORRECTION
:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154 AND 37 C.F.R. § 1.705(D)," filed October 5, 2004. Patentee requests that the patent term adjustment indicated in the patent (as shown in the Issue Notification) be corrected from one hundred fifty-three (153) days to two hundred fifty-three (253) days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred fifty-three (253) days.

On October 5, 2004, the above-identified application matured into U.S. Patent No. 6,800,140. The instant request for reconsideration filed October 5, 2004 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 153 days. Patentee disputes the reduction of 100 days due to "Workflow-Drawings finished" as no drawings were filed after the mailing of the notice of allowance. Patentee states that the drawings were accepted by the examiner and all other formalities were in compliance.


A review of the PALM calculations for this application reveals that the initial determination of PTA of 253 days was reduced by 100 days for applicant's submission of drawings after the mailing of the notice of allowance. See 37 C.F.R. § 1.704(c)(10). However, a review of the application record supports a conclusion that no drawings (or any other paper, aside from the instant petition) were filed in this application after the mailing of the notice of allowance. As stated in the Notice of Allowability, the drawings filed February 19, 2004 (with a response after non-final) were accepted by the Examiner.

In view thereof, the patent term adjustment indicated in the patent should have been two hundred fifty-three (253) days.

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. This fee is required and will not be refunded. No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **TWO HUNDRED FIFTY-THREE (253)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction